

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BERNARD RAY RICHARDSON,)	
Plaintiff,)	Civil Case No. 7:16cv00035
)	
v.)	
)	By: Elizabeth K. Dillon
DR. DULANES,)	United States District Judge
Defendant.)	

ORDER

This matter is before the court on Richardson's motion for reconsideration of the court's memorandum opinion and order entered on February 29, 2016, dismissing his 42 U.S.C. § 1983 complaint without prejudice for failing to comply with the court's conditional filing order. By order entered February 3, 2016, the court conditionally filed this action and directed Richardson to provide the court with, *inter alia*, certain financial documentation in order to proceed with the action. In response to the court's order, Richardson filed a blank Inmate Account Report with an attached Offender Request which demonstrated an attempt to have the form completed by prison staff. The Offender Request is directed to the Business Office and states: "Enclose[d] please find a 'prisoner trust account report' court order: that I respectfully ask that you complete as soon as possible." In response to this request, Richardson was advised: "You must contact your Counselor for court statements." Richardson provides no evidence that he contacted his counselor to obtain the financial documentation. In his instant motion for reconsideration, Richardson argues that he has "clearly show[n]" that the Wallens Ridge State Prison Business Office is "refusing to turn over any of the plaintiff[']s inmate account records for this civil action." However, the court disagrees. Having reviewed the motion and pertinent portions of the record, the court remains convinced that Richardson's pleading was properly dismissed.

Accordingly, it is hereby ORDERED that Richardson's motion for reconsideration is DENIED.

The court notes that the dismissal of Richardson's complaint was without prejudice to his opportunity to refile his claims in a separate action.

Entered: March 10, 2016.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge